

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-2921 (JMF)

**NOTICE OF ERRATA**

Defendants' Opposition to NYIC Plaintiffs' Motion for Sanctions (ECF No. 648) states on page 14 that "Finally, Uthmeier has confirmed that once he officially joined the Department of Commerce in mid-February 2017, he exclusively used his Commerce Department email account to conduct official Government business," citing Defendants' Exhibit 11 (Declaration of James Uthmeier) ¶ 3.

Due to the inadvertence of counsel in finalizing Defendants' opposition, that statement does not precisely reflect what is attested to in Uthmeier's declaration. Instead the opposition should have stated that "Finally, Uthmeier has confirmed that once he officially joined the Department of Commerce in mid-February 2017, he used a Commerce Department email account to conduct official business, and followed all policies and regulations regarding use of email to conduct official Government business."<sup>1</sup>

---

<sup>1</sup> As Defendants' opposition also points out, Uthmeier's conversations with Professor John Baker concerning the census were conducted over the phone and in person, and Uthmeier did not take notes during these conversations. Defs.' Opp. at 13 (citing Defs.' Ex. 11 ¶ 5). Moreover, Defendants' additional searches of Uthmeier's files for documents constituting or reflecting communications with Baker revealed no such documents. *Id.* at 13-14 (citing Defs.' Ex. 13 ¶ 4). Accordingly, there remains no basis for Plaintiffs' claims that documents concerning communications between Uthmeier and Baker have been withheld from the Administrative Record.

Defendants and their counsel regret the error.

Dated: August 6, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

/s/James J. Gilligan  
JAMES J. GILLIGAN  
Special Litigation Counsel  
Civil Division, Federal Programs Branch  
United States Department of Justice  
P.O. Box 883  
Washington, D.C. 20044  
Telephone: (202) 514-3358  
Fax: (202) 616-8470  
E-mail: [james.gilligan@usdoj.gov](mailto:james.gilligan@usdoj.gov)

*Counsel for Defendants*